



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,193	11/17/2005	Hiroyuki Kikkoji	277511US6PCT	5502
22850	7590	09/08/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER SIKRI, ANISH	
			ART UNIT 2143	PAPER NUMBER
			NOTIFICATION DATE 09/08/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/557,193

Applicant(s)

KIKKOJI ET AL.

Examiner

ANISH SIKRI

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 4/17/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement submitted on 4/17/2006 been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibasaki et al (US Pub 2004/0167856), hereafter Shibasaki, in view of Kinebuchi et al (US Pub 2003/0074448), hereafter Kinebuchi.

1) Consider **Claim 1**, Shibasaki disclosed information-recording apparatus characterized by comprising (Shibasaki, [0007], Shibasaki disclosed that it is a information-recording apparatus): receiving means for receiving information related to a plurality of contents broadcast (Shibasaki, [0088], Shibasaki disclosed on how information can be acquired from the network, and recorded in the apparatus); temporary storage means for temporarily storing the information items related to the

contents (Shibasaski, [0074], Shibasaski disclosed on how information is retained in the temporary storage); storage means for storing any related information items (Shibasaski, [0074]); instructing means for instructing that the related information items temporarily stored in the temporary storage means be recorded in the storage means (Shibasaski, [0074]), ; recording means for recording the related information items stored in the temporary storage means (Shibasaski, [0074], [0076], Shibasaski disclosed on how the information is encoded in the temporary storage before being processed or transferred to a different location/device) ,

2) But Shibasaski does not explicitly state the use of a set, and the name of a set in association with the set, in the storage means, in response to an instruction made by the instructing means.

3) Nonetheless, Kinebuchi disclosed the use of a set (Kinebuchi, [0066], [0097], Kinebuchi disclosed that the information can be formed by groups containing relevant information specific to the group/set), and the name of a set in association with the set (Kinebuchi, [0097], Kinebuchi disclosed that the groups are independent to other groups, as that implies that the groups are named/marked independently from each other), in the storage means, in response to an instruction made by the instructing means (Kinebuchi, [0066], [0097], Kinebuchi disclosed that the information contained in groups/sets are stored in the memory).

4) Both Shibasaski and Kinebuchi provide features related to information recording. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

5) Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of groups/sets to contain information taught by Kinebuchi, in the system of Shibasaki for the purpose of management of resources in information-recording system of Shibasaki.

6) **Claim 2**, has similar limitations as Claim 1, therefore it is rejected under the same rational as Claim 1.

7) Consider **Claim 3**, Shibasaki-Kinebuchi disclosed information-recording apparatus according to claim 1, characterized in that the recording means records the information (Shibasaki, [0007], Shibasaki disclosed that it is a information-recording apparatus) related to the contents broadcast during a given time period (Kinebuchi, [0066], Kinebuchi disclosed that process of acquiring content can set to certain desired time period), as a set (Kinebuchi, [0066], [0097], Kinebuchi disclosed that the information contained in groups/sets are stored in the memory), in the storage means when the instructing means instructs that the information related to the contents broadcast in that time period be recorded in the storage means (Kinebuchi, [0066]), and records the name of the broadcast station and time period as the name of the set (Kinebuchi, [0066], [0097], Kinebuchi disclosed that the groups are independent to other groups, as that implies that the groups are named/marked independently from each other).

8) **Claim 4**, has similar limitations as Claim 1, therefore it is rejected under the same rational as Claim 1.

9) **Claim 5**, has similar limitations as Claim 1, therefore it is rejected under the same rational as Claim 1.

10) Consider **Claim 6**, Shibasaki-Kinebuchi disclosed information-recording apparatus according to claim 1, comprising reproducing means for reproducing the contents from a recording medium loaded (Shibasaski, [0007]), and transmitting means for transmitting request information requesting for the information related to the contents reproduced by the reproducing means (Shibasaski, [0007], [0009], Shibasaki disclosed on information is acquired and reproduced), characterized in that the receiving means receives a plurality of related information items corresponding to the request information (Shibasaski, [0031], [0038], Shibasaki disclosed on how the related information such as trail-listening information is acquired), the recording means records the related information items received by the receiving means (Shibasaski, [0031], [0038]), as the set, and the name of the set in association with the set, in the storage means (Kinebuchi, [0066], [0097], Kinebuchi disclosed that the information can be formed by groups containing relevant information specific to the group/set).

11) **Claim 7**, has similar limitations as Claim 1, therefore it is rejected under the same rationale as Claim 1.

12) Consider **Claim 8**, Shibasaki-Kinebuchi disclosed information-recording information (Shibasaki, [0007], Shibasaki disclosed that it is a information-recording apparatus) method according to claim 7, characterized in that the step of receiving related information (Shibasaki, [0031], [0038], Shibasaki disclosed on how the related information such as trail-listening information is acquired) is performed as a terminal apparatus which can communicate with an authentication server having an authentication function and with a related-information providing server for providing the related information and which can receive the information related to the contents carries out the following steps (Kinebuchi, [0040], [0078], Kinebuchi disclosed on how the authentication is carried out and which results in retrieving information from the server and vice-versa): transmitting request information requesting for the information related to the contents (Shibasaki, [0031], [0038], Shibasaki disclosed on how the related information such as trail-listening information is acquired), to the related-information providing server, together with a service-session ID that is a session ID between the terminal apparatus and the related-information providing server (Kinebuchi, [0202], Kinebuchi disclosed that the after the user authentication process is carried out which involves the use of member number/id and password, the system carries out the session control, which involves a special process which helps in maintaining of the session); receiving, from the related-information providing server, information

representing an authentication error and service identification information identifying the related-information providing server (Kinebuchi, [0202], [0227], discloses on how the authentication error process is carried out); transmitting authentication-ticket request information to the authentication server (Kinebuchi, [0202], Kinebuchi disclosed that the authentication is carried out after the user validates his/her user id and password successfully), together with the authentication-session ID that is a session ID between the terminal apparatus and the authentication server (Kinebuchi, [0202], Kinebuchi disclosed that the authentication session is kept alive, after the user has successfully authenticated himself/herself, and even if the process abruptly terminated, the authentication process creates a special process which involves creating a special file called the "client agent file" (Kinebuchi, [0234]), which allows the transmission to resume itself again), the authentication-ticket request information requesting that an authentication ticket be issued for an access to the related-information providing server (Kinebuchi, [0202], [0234] Kinebuchi disclosed the special process and "client agent file" which is created after and during the successful authentication of the user); receiving the authentication ticket issued by the authentication server when the authentication server authenticates the terminal apparatus (Kinebuchi, [0234], Kinebuchi aids in the creation and use of the "client agent file" which aids in authentication), and transmitting the authentication-ticket request information (Kinebuchi, [0234]), together with the authentication ticket to the related-information providing server; receiving the service-session ID that is a session ID between the terminal apparatus and the related-information providing server (Kinebuchi, [0202], [0234]), when the related-information

providing server authenticates the terminal apparatus (Kinebuchi, [0202], [0234]); transmitting request information for requesting the related information to the related-information providing server (Kinebuchi, [0202], [0234]), together with the service-session ID; and receiving the related information corresponding to the request information (Kinebuchi, [0202], [0234]), when the related-information providing server authenticates the terminal apparatus (Kinebuchi, [0202], [0234]).

13) **Claim 9**, has similar limitations as Claim 8, therefore it is rejected under the same rational as Claim 8.

14) Consider **Claim 10**, Shibasaki-Kinebuchi disclosed the information-recording method according to claim 7, comprising a step of transmitting, at predetermined intervals (Kinebuchi, [0066], Kinebuchi disclosed that process of acquiring content can set to certain desired time period), request information requesting for the information related to the contents being broadcast and received, and a step of displaying the information related to the contents (Shibasaki, [0031], [0038], Shibasaki disclosed on how the related information such as trail-listening information is acquired), characterized in that related information that accords with the request information is received in the step of receiving related information (Shibasaki, [0031], [0038]), and the related information received is displayed in the step of displaying the information (Shibasaki, [0157], [0167], Shibasaki disclosed on how the information is displayed on the device/display unit).

15) **Claim 11**, has similar limitations as Claim 1, therefore it is rejected under the same rational as Claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANISH SIKRI whose telephone number is 571-270-1783. The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anish Sikri
A.S.

August 17, 2008

/Tonia LM Dollinger/
Supervisory Patent Examiner, Art Unit 2143